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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 24 HOUR FITNESS USA, INC., a California
12 corporation dba 24 HOUR FITNESS,

13 Petitioner,

14 v.

15 NICHOLAS FANNIN,

16 Respondent.

CASE NO. C11-2067RSM

ORDER OF DISMISSAL

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18 The Court has previously ordered the petitioner to show cause why this petition to compel
19 arbitration should not be dismissed as duplicative of an earlier petition filed by respondent in the United
20 States District Court for the Northern District of California. Principles of comity and sound judicial
21 administration counsel a court to decline jurisdiction over an action when a case involving the same
22 parties and issues has previously been filed in another district. *Pacesetter Systems, Inc., v. Medtronic,*
23 *Inc.*, 678 F. 2d 93, 94-95 (9th Cir. 1982).

24 The Court has reviewed the response to the Order to Show Cause and remains unconvinced that
25 sound judicial administration counsels in favor of exercising jurisdiction in this case. The issue of
26 arbitration venue is already under consideration by the district court in California. In the event that
27 court determines that Washington is the appropriate venue for arbitration, and respondent refuses to

1 comply, petitioner may then move to re-open this case.

2 Accordingly, the Court shall decline jurisdiction under the “first to file” rule. The action is
3 DISMISSED. The Clerk is directed to close the file.

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5 DATED June 20, 2012.

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8 RICARDO S. MARTINEZ
9 UNITED STATES DISTRICT JUDGE
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